

Service Date: July 2, 1993

DEPARTMENT OF PUBLIC SERVICE REGULATION
BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MONTANA

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| IN THE MATTER OF the Proposed Line) | UTILITY DIVISION |
| Extension Policy of Montana Power) | |
| Company, Revising Service Rules/) | DOCKET NO. 93.4.16 |
| Electric and Gas Tariffs.) | ORDER NO. 5715 |

PROCEDURAL ORDER

Introduction

On April 29, 1993 Montana Power Company (MPC) applied to the Montana Public Service Commission (Commission) for approval of a revised line extension policy and corresponding tariffs and service rules. The Commission issued and published Notice of Proposed Line Extension Policy and Intervention Deadline and required intervention by June 14, 1993. Only Montana Consumer Counsel (MCC) has intervened.

The Commission has delegated to Commission staff the duty to issue procedural schedules and orders. Commission staff issues the following procedural order in the matter of MPC's proposed line extension policy. The dates set forth may be rescheduled only by staff action upon conference with the parties. This Order is effective immediately. All dates set forth are receipt dates for filing and service.

Schedule

1. The following is the procedural schedule in this Docket. Items with an asterisk ("*") denote procedures for Commission staff to propound discovery and receive responses and testimony on additional issues identified in staff review.

- (a) July 30, 1993: Final day for written discovery (includes data requests) from Commission staff and Intervenor(s) to MPC.
- (b) August 20, 1993: Final day for MPC to respond to discovery propounded in (a).
- (c) September 10, 1993: Final day for testimony from Intervenor(s).
- (d) * September 17, 1993: Additional issues identified by Commission staff.
- (e) September 24, 1993: Final day for written discovery from MPC to Intervenor(s).
- (f) * October 1, 1993: Final day for testimony on additional issues (simultaneous).
- (g) October 8, 1993: Final day for Intervenor(s) to respond to written discovery from MPC.
- (h) * October 15, 1993: Final day for written discovery on additional issues testimony.
- (i) October 22, 1993: Final day for rebuttal testimony from MPC. * Final day for response to written discovery on additional issues.

- (j) * October 29, 1993: Final day for rebuttal testimony on additional issues (simultaneous).
- (k) November 5, 1993: The Commission may conduct a public hearing if there are factual issues not resolved or stipulated by the parties.
- (l) November 19, 1993: Simultaneous briefs due, if desired.
- (m) November 29, 1993: Simultaneous reply briefs, if desired.

Procedure

2. Since this filing is not a general rate increase application, the Commission is not under the time constraints of Title 69, Chapter 3, MCA. However, MPC desires Commission action on its proposed line extension policy by the end of 1993 to accommodate the 1994 construction season. This procedural schedule assumes that full discovery and a hearing may be necessary. Parties may request alternative procedures and/or submit stipulations any time after MPC has responded to discovery in .1(b). If there are no requests or stipulations for Commission consideration, parties will proceed according to this schedule.

3. Parties shall file copies of all pleadings, motions, discovery requests and responses, prefiled testimony and briefs with the Commission and serve the parties (presently MPC and MCC). Service upon the parties shall be upon each party's

attorney of record and others reasonably designated. Parties shall file an original and ten copies with the Commission of motions, testimony, briefs and documents directed to the Commission.

4. June 14, 1993, the time noticed for intervention as a matter of right, has passed. In any request for late intervention, the petition must (1) identify its general position; (2) state its direct and substantial interest affected by the Docket; (3) demonstrate that its intervention would not delay or prejudice the proceedings; and (4) show good cause why the request for intervention was not timely filed. Late intervention will be effective only upon action of the Commission.

Discovery

5. "Discovery" includes all forms of discovery authorized by the Montana Rules of Civil Procedure, as well as data requests. The Commission urges parties to conduct discovery through the use of data requests. The Commission directs parties to prepare data requests as follows:

(a) Data requests must each be captioned with a subject description (five words or less) and may also include other identifying information, such as the responding witness, exhibit number and page number. Each party should keep subject descriptions consistent.

(b) Multi-part requests may be used, each part denoted by a

lower case letter limited to five parts (a, b, c, d and e), without any sub-parts. A single part request should be denoted by the request number only.

(c) Examples of acceptable data requests follow:

PSC-500 RE: Purchased Gas Contracts
Witness - Burke, Page JBB-4, Lines 13-15.

Please provide the origination and expiration date for each contract.

PSC-501 RE: Bypass
Witness - Johnson, Page DAJ-14, Lines 11-14.

- a. What risks of bypass would be avoided by the shareholders as a result of the Company's proposed treatment?
- b. What risks of bypass would be avoided by the ratepayers as a result of the Company's proposed treatment?

6. A party objecting to data requests or responses must file any objections and serve notice on the Commission and parties within five days of receipt. Failure to timely object will be deemed acceptance of the request or response. Parties are encouraged to resolve concerns before filing objections. The Commission may rule promptly on the objections or schedule argument.

7. Submission of written discovery after the deadline will be allowed by leave of the Commission only upon a showing of good cause as to why the request was not timely submitted. Unless excused by the Commission, failure to answer data or discovery requests may result in action: (a) refusing to allow the

nonresponsive party to support or oppose related claims; (b) prohibiting introduction of related matters in evidence; (c) striking pleadings or testimony; (d) staying further proceedings until the request is satisfied; or (e) dismissing the case, defense or proceeding.

Testimony and Evidence

8. At hearing, the Commission will adopt into the record all prefiled direct, answer, and rebuttal testimony (including additional issues) upon motion of the proponent without the witness reading the testimony into the record. The testimony will be an exhibit to the transcript.

9. All proposed exhibits and prefiled written testimony shall be marked for the purposes of identification before the hearing begins. Parties shall arrange in advance with the court reporter for the preferred manner of identifying exhibits.

10. When cross-examination is based on a document not previously filed with the Commission, copies of the document must be made available to the Commissioners, parties, and staff, unless good cause is shown why copies are not available. Parties introducing data requests or other discovery must have copies of each request and response available at the hearing for the court reporter, each Commissioner, the Commission staff, and all parties, unless parties and the Commission agree to waive this requirement.

11. The Montana Rules of Evidence in effect at the time of hearing will govern the proceeding.

12. Parties shall have present at the hearing and available for cross-examination each person who authored responses to written discovery. Parties may waive objection(s) to introduction of written responses absent the author and the right to cross-examine. Upon Commission approval of the stipulated waiver, the responding person need not appear at the hearing and the responses may be introduced into the record.

Prehearing

13. Parties shall raise all motions on procedural matters at the earliest possible time and submit prehearing motions on briefs, unless excused by the Commission. If the Commission grants oral argument, the requesting party shall notice it for hearing at the time set by the Commission.

14. The Commission may set a final Prehearing Conference to discuss settlement of any issues and dispose of procedural matters.

15. Each party shall submit a prehearing memorandum containing a list of issues, witnesses and exhibits and discovery for introduction at the hearing. The prehearing memorandum should address scheduling of witnesses, if necessary.

Done and Dated this 1st day of July, 1993 by delegation to Commission staff.

BY THE MONTANA PUBLIC SERVICE COMMISSION

BOB ANDERSON, Chairman
BOB ROWE, Vice Chairman
DAVE FISHER, Commissioner
NANCY MCCAFFREE, Commissioner
DANNY OBERG, Commissioner